## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at WINCHESTER

PATRICIA S. MILLER,	)	
Plaintiff,	)	
1 leineni,	)	Case No. 4:12-cv-4
v.	)	
MIGHAEL LAGERAGE	)	Judge Mattice
MICHAEL J. ASTRUE,	)	Magistrate Judge Carter
COMMISSIONER OF SOCIAL SECURIT	Y, )	
	)	
Defendant.	)	
	)	

## **ORDER**

On December 5, 2012, United States Magistrate Judge William Carter filed his Report and Recommendation (Doc. 14) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that (1) Plaintiff's Motion for Judgment on the Pleadings (Doc. 10) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 12) be granted; (3) the Decision of the Commissioner be affirmed; and (4) this action be dismissed.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the Report Recommendation, as well as the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.

<sup>&</sup>lt;sup>1</sup> Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 14 at 18 n.3); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Taking into account both the three additional days for service provided by Fed. R. Civ. P. 6(d) and the Christmas holiday, the period in which Plaintiff could timely file objections expired by December 26, 2012.

## Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff's Motion for Judgment on the Pleadings (Doc. 10) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 12) is GRANTED;
- The decision of the Commissioner is **AFFIRMED**; and
- This case is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this 27th day of December, 2012.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE